

**Effective 5/13/2014**

**63L-7-106 Use of protected wilderness areas.**

- (1) Except as otherwise provided in this chapter, each agency administering any area designated as a protected wilderness area shall be responsible for preserving the wilderness character of the area and shall administer such area for the purposes for which it may have been established to preserve its wilderness character.
- (2) Except as specifically provided in this chapter, and subject to valid existing rights, there shall be:
  - (a) no commercial enterprise and no permanent road within any protected wilderness area designated by this chapter; and
  - (b) no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation with any such area except as necessary to meet minimum requirements for the administration of the area for the purpose of this chapter, including measures required in emergencies involving the health and safety of persons within the area.
- (3) Except as otherwise provided in this chapter, a protected wilderness area shall be devoted to the public purposes of:
  - (a) recreation, including hunting, trapping, and fishing;
  - (b) conservation; and
  - (c) scenic, scientific, educational, and historical use.
- (4) Commercial services may be performed within a protected wilderness area to the extent necessary to support the activities described in Subsection (3).
- (5) Within an area designated as a protected wilderness area by this chapter:
  - (a) subject to the rules established by DNR, the use of a motor vehicle, aircraft, or motorboat is authorized where:
    - (i) the use of a motor vehicle, aircraft, or motorboat is already established;
    - (ii) the motor vehicle, aircraft, or motorboat is used by the Division of Wildlife Resources in furtherance of its wildlife management responsibilities, as described in Title 23, Wildlife Resources Code of Utah; or
    - (iii) the use of a motor vehicle, aircraft, or motorboat is necessary for emergency services or law enforcement purposes; and
  - (b) measures may be taken, under the direction of the director of the Division of Forestry, Fire, and State Lands, as necessary to manage fire, insects, habitat, and diseases.
- (6) Nothing in this chapter shall prevent, within a designated protected wilderness area, any activity, including prospecting, if the activity is conducted in a manner compatible with the preservation of the wilderness environment, subject to such conditions as the executive director of DNR considers desirable.
- (7) The executive director of DNR shall develop and conduct surveys of wilderness areas:
  - (a) on a planned, recurring basis;
  - (b) in a manner consistent with wildlife management and preservation principles;
  - (c) in order to determine the mineral values, if any, that may be present in wilderness areas; and
  - (d) make a completed survey available to the public, the governor, and the Legislature.
- (8) Notwithstanding any other provision of this chapter, until midnight December 31, 2034:
  - (a) state laws pertaining to mining and mineral leasing shall, to the extent applicable before May 13, 2014, extend to wilderness areas designated under this chapter, subject to reasonable regulation governing ingress and egress as may be prescribed by the executive director of DNR, consistent with the use of the land for:
    - (i) mineral location and development;

- (ii) exploration, drilling, and production; and
  - (iii) use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including the use of mechanized ground or air equipment when necessary, if restoration of the disturbed land is practicable and performed as soon as the land has served its purpose; and
  - (b) mining locations lying within the boundaries of a protected wilderness area that existed as of the date of acquisition shall be held and used solely for mining or processing operations, and uses that are reasonably related to an underlying mining or processing operation.
- (9) Any newly issued mineral lease, permit, or license for land within a wilderness area shall contain stipulations, as may be determined by the executive director of DNR in consultation with the director of the Division of Oil, Gas, and Mining, for the protection of the wilderness character of the land, consistent with the use of the land for the purpose for which it is leased, permitted, or licensed.
- (10) Subject to valid rights then existing, effective January 1, 2015, the minerals in all lands designated by this chapter as wilderness areas are withdrawn from disposition under all laws pertaining to mineral leasing.
- (11) Mineral leases shall not be permitted within protected wilderness areas.
- (12) The governor may, within protected wilderness areas, authorize:
- (a) prospecting for water resources;
  - (b) the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in developing water resources, including road construction and essential maintenance; and
  - (c) subject to Subsection (13), the grazing of livestock, if the practice of grazing livestock was established as of the effective date of this chapter.
- (13) The commissioner of the Department of Agriculture and Food may make regulations as necessary to govern the grazing of livestock on a protected wilderness area.

Enacted by Chapter 323, 2014 General Session